

REMARKS

Reconsideration and allowance in view of the foregoing amendments and the following remarks are respectfully requested.

Claims 51-64 remain pending in the present application. Claims 1-50 were cancelled in a Preliminary Amendment filed with the present application.

Applicant notes with appreciation the Examiner's indication that claims 55 and 60 represent allowable subject matter, and would be allowed if rewritten in independent form. New claim 65 corresponds to claim 55 written in independent form. Thus, claim 65 is believed to be allowable. At this time, however, claim 60 has not been rewritten in independent form, as the base claim (claim 56), from which claim 60 depends, is believed to be patentably distinguishable over the cited references for the reasons presented below.

Applicant also notes that U.S. Patent No. 5,098,384 was cited by the Examiner in rejecting at least one claim of the present application. This reference was not cited by the applicant and is not listed in the Patent Office PTO-892 Form included with the December 28, 2004 Office Action. Applicant respectfully requests that the Examiner provide another PTO-892 Form listing this reference.

Claims 51-54, 56-59, and 61-63 stand rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 6,585,662 to Jones ("the '662 patent"). In addition, claim 64 stands rejected under 35 U.S.C. § 103 as being unpatentable over the '662 patent in view of U.S. Patent No. 5,098,384 to Abrams ("the '384 patent"). Applicant notes that the rejection set forth on page 3, item (2) of the Office Action, includes claim 60 in the listing of rejected claims. Applicant assumes this was a typographical error, because claim 60 was indicated as representing allowable subject matter, and no basis for rejection claim 60 was presented. As to the other rejected claims, applicant respectfully traverses this rejection for the reasons presented below.

Amended independent claim 51 clarifies the features of the airway adapter. As amended, the airway adapter includes a first housing having a first end and a second end, both of which couple to a respiratory conduit. A primary conduit having a flow restricting portion is

defined in the first housing and includes an inlet at the first end of the first housing and an outlet at the second end of the first housing. A first pressure port and a second pressure port are defined in a sidewall of the first housing between the first end and the second end. The first pressure port is in fluid communication with the primary conduit on a first side of the flow restricting portion, and the second pressure port is in fluid communication with the primary conduit on a second side of the flow restricting portion. A pressure transducer coupling portion is disposed on the first housing and configured to selectively and removably engage a second housing of a pressure transducer. Applicant respectfully submits that the '662 patent does not teach or suggest an airway adapter having these features.

A copy of Figure 2 from the present application, with each of the elements of claim 51 identified on the airway adapter shown in this figure is provided below for the Examiner's convenience in understanding the present invention. It is to be understood that this figure is provided solely for the purpose of illustration and is not intended to limit the interpretation of the elements recited in this claims to the specific items shown in this figures. For example, many of the features of the airway adapter, such as the housing and the pressure transducer coupling portion, can have configurations, sizes, shapes, and orientations that are different from the illustrated exemplary embodiment provided in FIG. 2.

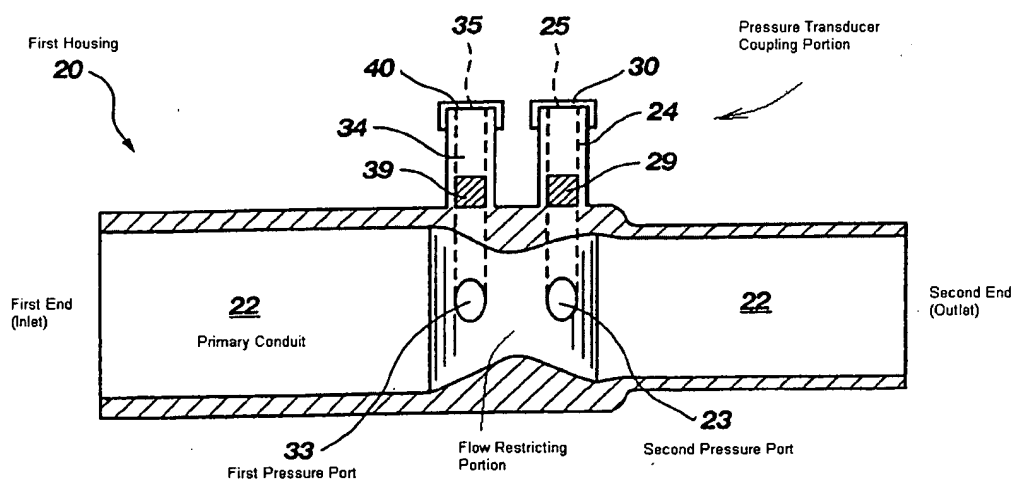
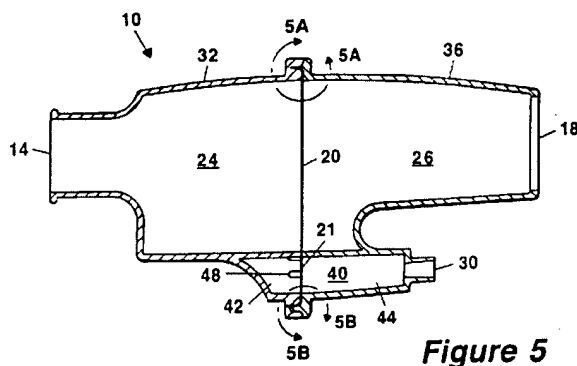


Fig. 2

In rejecting claim 51, the Examiner has identified the elements set forth in the claims with a corresponding feature described and/or shown in the '662 patent. Applicant submits that once the elements of the airway adapter recited in claim 51 are better understood, it is clear that the recited features are not taught or suggested by the '662 patent. For example, the examiner indicates that the claimed first pressure port and second pressure port correspond to inlet 14 and outlet 18 in the pneumotach taught by the '662 patent. A copy of Figure 5 from the '662 patent is reproduced below for the Examiner's convenience.



It is clear from reviewing Figure 5, that the first and second pressure ports do not correspond to the inlet and outlet of the pneumotach. Quite the contrary, the first and second pressure ports are the places where the pressure sensor taps into the primary conduit, while the inlet and outlet are the places where the airway adapter is coupled to the patient circuit. Thus, claim 51 is not taught or suggested by the '662 patent.

Independent claim 56 recites a pressure transducer that includes a transducer housing and a coupling portion disposed on the transducer housing that enables the transducer housing to be selectively and removably attached to a pneumotach housing. A first pressure sensor is disposed in the transducer housing. The first pressure sensor outputs a signal indicative of a pressure monitored by the pressure sensor. Figure 4 from the present application, which is reproduced below, shows an exemplary embodiment of such a pressure transducer. The first pressure sensor corresponds to sensors 80 and/or 90 shown in this figure.

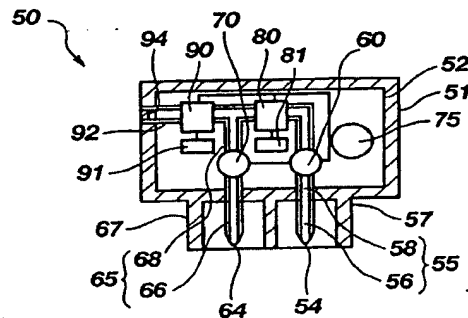


Fig. 4

The Examiner takes the position that the flow resistive element (item 20 in Figure 5 of the '662 patent) corresponds to the pressure sensor. This is clearly not the case, because the flow resistive element taught by the '662 patent does not output a signal indicative of a monitored pressure.

For the reasons presented above, applicant respectfully submits that independent claims 51 and 56 are not anticipated or rendered obvious by the cited references. In addition, claims 52-54, 57-59, and 61-64 are also not anticipated or rendered obvious due to their dependency from independent claims 51 or 56. Accordingly, applicant respectfully requests that the above rejection of claims 51-54, 56-59, and 61-64 be withdrawn.

All objections and rejections have been addressed. It is respectfully submitted that the present application is in condition for allowance and a Notice to the effect is earnestly solicited.

Respectfully submitted,

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